

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

NO. 2:07-CV-34-FL

ROBERT E. HOVEY and TANYA L.)
HOVEY,)
)
Plaintiffs,)
)
v.)
)
FEDERAL EMERGENCY)
MANAGEMENT AGENCY and)
HARLEYSVILLE INSURANCE CO.,)
Defendants.

ORDER

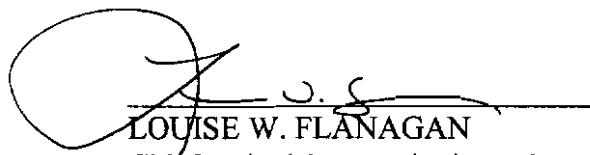
This matter came before the court on defendant Harleysville Insurance Company's motion to dismiss. (DE #2). Plaintiffs have not filed any response to the motion. The motion was referred to Magistrate Judge James E. Gates for memorandum and recommendation ("M&R"), which was filed on February 25, 2008. In the M&R, Magistrate Judge Gates recommended that the motion to dismiss be granted. No party has filed objection to the M&R, and the time for filing such objection has closed.

The court may "designate a magistrate . . . to conduct hearings, including evidentiary hearings, and submit to a judge of the court proposed findings of fact and recommendations for disposition" of a variety of motions, including motions for judgment on the pleadings. 28 U.S.C. § 636(b)(1)(A)-(B). "The magistrate . . . shall file his proposed findings and recommendations . . . with the court[.]" 28 U.S.C. § 636(b)(1)(C). Upon careful review of the record, "the court may accept, reject, or modify, in whole or in part, the findings or recommendations

made by the magistrate judge.” Id. The court is obligated to make *de novo* determinations of those portions of the M&R to which objections have been filed. 28 U.S.C. § 636(b)(1)(C); see also Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983).

Having carefully reviewed the M&R and relevant record, the court hereby adopts as its own the finding of Magistrate Judge Gates that this action should be dismissed as to all parties because the action has abated. M&R at 3-4. The motion to dismiss is hereby GRANTED. The Clerk is directed to close this case.

SO ORDERED, this the 16th day of May, 2008.



LOUISE W. FLANAGAN
Chief United States District Judge